

Board of Forestry and Fire Protection
CERTIFIED SPECIALTY DISCIPLINE AMENDMENTS
Title 14 of the California Code of Regulations (CCR)
Division 1.5, Chapter 10
Article 1, 2, 2.5, 3, & 4

Amend: § 1600 et seq.

§ Article 1. General Provisions

1600. Definitions.

For the purposes of the rules and regulations contained in this chapter, the term: “Board” means the State Board of Forestry [and Fire Protection].

“Certified Specialist” or “certificant” refers to a person who holds a valid certification in a specialty created by the Board.

“Code” or “PRC” refers to the Public Resources Code, unless otherwise specified.

“Committee” or “PFEC” means the Professional Foresters Examining Committee. “Executive Officer” refers to the Executive Officer, Foresters Licensing.

“Forest Resources” means those uses and values associated with, attainable from, or closely tied to, forested landscapes, and includes but is not limited to aesthetics, fish, forage, recreation, soil, timber, water and watersheds, wilderness, and wildlife.

“Registered Professional Forester” or “RPF” refers to a person who holds a valid license as a professional forester pursuant to the provisions of the code.

1601. Board of Forestry [and Fire Protection] Address.

1 All correspondence relating to Professional Foresters Registration, including remittances and
2 renewal fees, shall be directed to the principal offices of the State Board of Forestry [and Fire
3 Protection] located in the Resources Building, 1416 Ninth Street, Sacramento, or by mail to P.O.
4 Box 944246, Sacramento, California 94244-2460.

5
6 **1601.1. Determination of Deadlines.**

7 Any due dates or time frames for submission of fees, completed forms, or correspondence is
8 determined by date of personal delivery at Board office or date of postmark by commercial carrier.

9
10 **1602. Professional Forestry Practice Defined.**

11 (a) The phrase “act in the capacity of...a professional forester...” pursuant to Public
12 Resources Code (PRC), Section 766 refers to any person who is working in a responsible position
13 as an individual or through the supervision of others, and performs services on forested
14 landscapes applicable to “forestry” as defined in PRC, Section 753 and clarified herein. Forestry
15 requires specific knowledge of forestry principles for providing advice to, or management for,
16 employers, clients, or others, through consultation; through conduct of investigations in forestry
17 matters which have potential environmental effects, or are for site-specific purposes; through
18 evaluation of forest properties; and through the planning or execution of forest programs,
19 management, operations, and/or treatment.

20 (b) A Registered Professional Forester (RPF) shall perform forestry services only in those
21 subjects in which he or she is competent by training or experience. Thus, for a RPF to accomplish
22 a site-specific forestry project where the RPF’s prudent level of expertise is surpassed, that RPF
23 may need to utilize the services of other qualified experts including but not limited to geologists,
24 landscape architects, engineers and land surveyors, archaeologists, botanists, ecologists,
25

fisheries biologists, stream restorationists, wildlife biologists, hydrologists, range scientists, soil scientists, and certified specialists established pursuant to PRC 772.

(c) In carrying out PRC, Section 772, a Certified Specialist shall perform only those services in his or her specialty, as described in Title 14, Chapter 10 of the California Code of Regulations defined herein. Nothing in this section shall preclude certified specialists or the other environmental professionals in subsection (b) from the application of scientific knowledge in their field of expertise outside the practice of forestry.

1602.1. Identity Required of Registered Professional Forester in Charge.

Any letter or document which offers to perform or implies the performance of any professional forestry work must identify by name and license number the forester (RPF) who will be in charge of such work when it is performed. An unregistered assistant acting in the capacity of a professional forester, as defined in 14 CCR 1602 other than on federally owned lands shall be supervised by a forester (RPF). Work plans and documents reporting work done by or under the supervision of a forester (RPF) shall bear the signature and license number of the forester (RPF) responsible for said plans, work and reports.

1603. Seal .

A seal may be used by a registrant. It shall be of the design shown here and shall not be less than one and one-half (1½) inches in diameter.

1604. Registration limited to Natural Persons.

Registration shall be determined on the basis of individual personal qualifications. No firm, company, partnership, or corporations will be issued a professional foresters license or specialty certificate.

1605. Fees.

(a) All fees required by provisions of the Code and rules of the Board shall be transmitted by money order, bank draft, or check and shall be made payable to Professional Foresters

Registration.

(b) The following schedule of fees is hereby adopted pursuant to section 782 of the Code.

(1) Application for Registration and License as a Professional Forester \$200

(2) Annual Rate for License as a Professional Forester 95

(3) Application for Exam for Specialty Certificate 200

(4) Annual rate for Specialty Certificate 35

(5) Duplicate License or Specialty Certificate 5

(6) Renewal of License as a Professional Forester 190

(7) Renewal of Specialty Certificate 70

(8) Penalty fee for failure to apply for renewal as a Licensee or for a specialty certificate is \$25 for each full month of delinquency not to exceed \$150.00 total penalty fee 25

(9) Reinstatement Application following Withdrawal 15

(c) The renewal fee for registration and/or certification as a forestry specialist shall be waived when a license or certificate is issued less than ninety (90) days before the date on which it will expire.

(d) Application fees for registration, certification as a forestry specialist, or reinstatement following withdrawal, shall be retained by the Board regardless of the disposition of the application.

1606. Address Change.

Applicants for registration or holders of a certificate of registration and license, shall notify the Board in writing at its Sacramento office within ten days of any address changes, giving both the old and new address.

1607. Issuance, Expiration and Renewal of Licenses and Certificates.

(a) Professional Foresters Licenses and Specialty Certificate shall be renewed on alternating years with odd-numbered licenses and certificates expiring on July 1 of odd-numbered years and even-numbered licenses and certificates expiring on July 1 of even-numbered years.

(b) Newly issued Professional Foresters Licenses and Specialty Certificates shall be valid, on payment of the appropriate fee, from the date of issuance to July 1 of odd-numbered years for odd-numbered licenses and certificates and July 1 of even-numbered years for even-numbered licenses and certificates. The appropriate fee for a newly issued license or certificates shall be based on proration of the annual rate for the license as provided in §1605(b)(2) or certificates as provided in §1605(b)(4) against the term of the newly issued license or certificate. Individuals reinstating their license or certificate from withdrawal shall pay the full renewal fee regardless of the actual length of time remaining in the applicable two year renewal cycle.

(c) Licenses and specialty certificates are not valid unless fees are paid prior to the expiration date. Written notification of delinquency shall be mailed no later than September 1 to those persons whose license or specialty certificate(s) expired. Individuals have sixty (60) days from the date of mailing the delinquency notice to reinstate the license or certificate by paying renewal fees and penalties, after which the Board shall revoke the license or certificate. By paying all renewal fees and penalties, within one year of the renewal date, the individual may reinstate a license or certificate(s) revoked because of delinquency.

(d) For renewal of a specialty certificate issued by the Board pursuant to a recognized independent certification program, in addition to any other requirements hereunder, a certified

specialist shall provide evidence from the applicable professional society or public agency of good standing under the program.

1608. Withdrawals.

(a) The Board may, upon written request of a currently paid up licensee, grant a withdrawal of a forester's license or specialty certificate for a period not to exceed five years at any one time without penalty. The request shall state the reason for withdrawal, and the length of time for which withdrawal is requested. During withdrawal, the person shall not call him or herself a "professional forester" or provide professional forester services of any kind for pay or otherwise in California, or use their registration number anywhere.

(b) Withdrawals shall be granted only for good and sufficient reasons, including, but not limited to the following:

- (1) Active duty in the armed services of the United States.
- (2) Professional service exclusively outside of the State of California.
- (3) Ill health or disability.
- (4) Registration as a full time student in a college or university.
- (5) Retirement may be used as a reason only one time.

(c) Registrants shall be notified in writing whether the request for withdrawal is granted or denied.

(d) Prior to expiration of withdrawal status, notification of required reinstatement will be sent during the regular renewal period. If an application for reinstatement, along with the required fees prescribed, is not presented to the executive officer within the specified withdrawal period, the Board shall revoke the license or certificate.

1 (e) Reinstatement of a license shall be denied if:

2 (1) The original withdrawal occurs as part of a stipulated agreement settling a formal
3 disciplinary case, or

4 (2) An RPF requested license withdrawal after being notified by the executive officer that a
5 disciplinary investigation was being conducted concerning the RPF's license, and that the
6 investigation and any disciplinary proceedings associated with it have not been concluded,
7 including any penalties being imposed.

8
9 **1610. Delegation of Certain Functions.**

10 (a) The power and discretion conferred by law upon the Board to receive and file accusations;
11 issue notices of hearings, statements to respondent and statements of issues; receive and file
12 notices of defense; determine the time and place of hearings under Section 11508 of the
13 Government Code, issue subpoenas and subpoenas duces tecum, set and calendar cases for
14 hearing and perform other functions necessary to the dispatch of the business of the Board in the
15 Government Code prior to the hearing of such proceeding; and the certification and delivery of
16 mailing of copies of decisions under Section 11518 of said Code are hereby delegated to and
17 conferred upon the Board's executive officer, or, if absent from the office of the Board, another
18 person designated by the executive officer.

19 (b) Nothing herein prohibits the executive officer from re delegating duties to his subordinates
20 as provided in Section 18572 of the Government Code.

21 (c) Unless otherwise directed by the Board, the executive officer may work directly with the
22 committee on those matters which are pertinent to the Professional Foresters Law, Section 750 et
23 seq. of the Code. The executive officer may be designated by the committee to report to the Board
24 on its behalf.

1 **1610.1. Committee Meeting and Reports.**

2 **(a) The Committee shall meet and report to the Board at least once every six months, or more**
3 **frequently as necessary to fulfill its responsibilities to the Board under Section 763 of the Code,**
4 **and shall refer to the Board all matters requiring Board approval.**

5 **(b) Reports and recommendations made by the Committee to the Board for approval or**
6 **rejection by the Board and any action recommended or approved by the Board shall be carried**
7 **out by the chairperson or a member of the Committee or by the Executive Officer in the manner**
8 **approved by the Board.**

9
10 **1611. Reciprocity.**

11 **A Professional forester who is licensed in another state which maintains requirements and**
12 **qualifications which are equal to or superior to those of the State of California may, upon**
13 **successfully passing a special examination prescribed by the Board and payment of the required**
14 **fees be registered as a professional forester, provided that said state observes these same rules**
15 **of reciprocity.**

16 **1611.5. Professional Standards and Responsibilities**

17 **(a) In addition to other responsibilities under the Code, Registered Professional Foresters and**
18 **certified specialists have professional responsibilities and must comply with professional**
19 **standards in connection with their relationships with clients, employers, and the public. The**
20 **particular standards and responsibilities depend upon the nature of the business relationship and**
21 **associated legal obligations. It is incumbent upon the licensee or certificant to be aware of these**
22 **responsibilities. Failure to comply with such standards and responsibilities may subject the**
23 **licensee or certificant to legal liability.**

24 **(b) When an agency relationship exists between a client and the licensee or certificant, the law**
25 **imposes strict and specific obligations on the part of the licensee or certificant, as the agent, with**

1 respect to the client, as the principal. These obligations are generally set forth in the California
2 Civil Code beginning at Section 2295, and as interpreted by California courts. These obligations
3 may include: (1) exercising reasonable skill and diligence in carrying out the work to be
4 performed; (2) avoiding any conflict of interest without full disclosure and consent by the
5 principal; and (3) acting in a fiduciary capacity with respect to the principal. Conflicts of interest
6 and fiduciary responsibilities are discussed below.

7 (c) In general, a conflict of interest occurs in an agency relationship when the agent is in a
8 situation or participates in activities that are adverse to the interest of the principal. This could
9 occur, for example, where the agent has a personal interest in a business transaction, or has
10 another client with an interest in the business transaction, such that they affect or interfere with
11 one another. Court decisions provide a body of law pertaining to the responsibilities of agents in
12 situations where there is a conflict of interest. Licensees or certificants acting as agents should
13 avoid conflicts of interest, and the appearance of conflicts of interest, and fully disclose such
14 conflicts and obtain the consent of their clients.

15 (d) A fiduciary relationship occurs when there is a relationship between parties to a transaction in
16 which one of the parties has an obligation to act with the utmost good faith for the benefit of the
17 other party. An agency relationship is one in which fiduciary responsibilities arise. Among other
18 obligations, an agent as a fiduciary must give priority to the best interests of the client, keep the
19 client fully informed of all information relevant to the subject matter of the relationship, and must
20 account to the client.

21 (e) Failure to comply with the applicable professional standards and responsibilities may subject
22 the licensee or certificant to legal liability, which is separate and distinct from disciplinary action
23 under the authority of the Board.

24 **1612. Discipline.**

The committee may, upon its own motion, and shall upon motion of the Board or upon the verified complaint in writing of any person, cause investigation to be made of the actions of any person licensed as a professional forester or certified specialist. The committee shall make recommendations to the Board for any action provided by law.

1612.1 Disciplinary Guidelines.

The Board establishes these guidelines to ensure that consequences in any disciplinary action of a Registered Professional Forester or certified specialist are known, and to facilitate uniformity of penalties. While recognizing that Administrative Law Judges must be free to exercise their discretion in a particular case, the Board desires that these guidelines be followed to the extent possible, and that any departures therefrom be noted and explained in the proposed decision.

The Board further desires that matters in extenuation and mitigation, as well as those in aggravation, be fully considered and noted in the proposed decision. The primary importance is the adverse effect the Registered Professional Forester's or certified specialist's actions had, or will continue to have, on the protection of the public interest.

(a) If convicted of a felony as defined in Section 778(a) and governed by Section 778.5, Public Resources Code, ranges of disciplinary action for conviction(s) are:

Maximum: Revocation of the license or specialty certificate.

Minimum: Revocation stayed for 2 years on the following conditions:

(1) Actual suspension for 1 year.

(2) The respondent shall obey all laws and regulations related to the practice of forestry.

(b) If found guilty of fraud, deceit, or gross negligence in his or her practice, governed by Public Resources Code, Section 778(b), the ranges of disciplinary action for the violation(s) are:

Maximum: Revocation of the license or specialty certificate.

Minimum: 6 months suspension stayed for 1 year on the following conditions:

(1) Actual suspension for 60 days.

(2) Within one year of the effective date of the Board's decision, the respondent shall successfully complete a training program, approved in advance by the Board as being specifically related to the area(s) of professional failure.

(3) Respondent must practice, for up to one year, with the review of work products by a Registered Professional Forester, or other specialist, as approved by the Board.

(4) The respondent shall obey all laws and regulations related to the practice of forestry.

(c) If found guilty of misrepresentation or material misstatement of fact in his or her practice, governed by Public Resources Code, Section 778(b), the ranges of disciplinary action for the violation(s) are:

Maximum: Revocation of the license or specialty certificate.

Minimum: 90 days suspension stayed for 1 year with 15 days actual suspension, and one or more of the following:

(1) Within one year of the effective date of the Board's decision, the respondent shall successfully complete a training program, approved in advance by the Board as being specifically related to the area(s) of professional failure.

(2) Respondent must practice, for up to one year, with review of work products by a Registered Professional Forester or other certified specialist, as applicable, as approved by the Board.

(3) The respondent shall obey all laws and regulations related to the practice of forestry.

(d) If found guilty of incompetence governed by Section 778(b), Public Resources Code, in his or her practice, the ranges of disciplinary action for violation(s) are:

Maximum: Revocation of the license or specialty certificate.

Minimum: Revocation stayed up to 3 years with license or specialty certificate suspension until the completion of all of the following conditions:

(1) The respondent shall successfully complete a training program, approved in advance by the Board, specifically related to the area of incompetency, and

(2) The respondent shall take and be notified of passing the Registered Professional Foresters examination or related certified specialty, and

(3) Respondent must work, at least six months full time equivalent, under the supervision of a Registered Professional Forester or certified specialist, with review of work products, as approved by the Board.

(4) The Respondent shall obey all laws and regulations related to the practice of forestry.

(e) If found guilty of fraud or deceit in obtaining a license or specialty certificate, governed by Section 778(c), Public Resources Code, the ranges of disciplinary action for violation(s) are:

Recommended Action: Revocation of license or specialty certificate.

(f) If found guilty of aiding or abetting a violation of, or material failure to comply with the provisions of the Professional Foresters Law, governed by Section 778(d) and (e), Public Resources Code, the ranges for disciplinary action for violation(s) are:

Maximum: Revocation of the license or specialty certificate

Minimum: 15 days actual suspension

(g) If found guilty of failure to materially comply with any provision of the Professional Foresters Law, the Board may issue a private reprimand when the respondent commits a failure of responsibility which warrants a level of discipline lesser than suspension. If the evidence is insufficient to support a private reprimand or an accusation, the executive officer may send a confidential letter expressing the committee's concerns. If there are insufficient grounds for discipline, the executive officer shall send a letter of exoneration to the respondent.

(h) In any of the above actions, the respondent shall submit such special reports as the Board may require. Said reports shall be designed to provide information as to those facets of his/her work which resulted in the disciplinary action.

1612.2. Notification of Disciplinary Action.

(a) Conditions of staying an order which suspends or revokes a license or specialty certificate on any of the grounds for disciplinary action specified in Section 778, Public Resources Code, shall require:

(1) Respondent to submit to the Board, not later than thirty (30) days after the decision becomes effective, a complete list of all business and/or client names, addresses, and phone numbers with whom a current contractual or employment relationships exists. Furthermore, respondent shall notify the Board within ten (10) days of any new contractual or employment relationships over the duration of the stayed order. This information may be used to aid the Board in monitoring the performance of respondent over the period of the stayed order.

(2) Board to notify each business and/or client name submitted, or at its option require respondent to notify with Board approved language and proof of notification, of the offense(s), findings and discipline imposed.

(b) The Board shall provide public notice of disciplinary actions. The Board shall comply with the following standards when providing public notice:

(1) When the RPF or certified specialist is exonerated, their name and the specifics of the cases will not be made public. A summary of the case will be noticed in "Licensing News", and will include the following:

(A) Case number.

(B) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.

(C) Authority: citations of applicable statutory and regulatory sections.

(D) Action: announcement of the exoneration and a general summary of the facts of the case.

(2) When disciplinary action results in the issuance of a PFEC Letter of Concern or Private Board Reprimand, the name of the RPF or certified specialist and license or specialty certificate number and specifics of the case will not be made public. A summary of the case will be noticed in “Licensing News”, and will include the following:

(A) Case number.

(B) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.

(C) Authority: citations of applicable statutory and regulatory sections.

(D) Action: announcement of the disciplinary action taken and a general summary of the facts of the case.

(3) When disciplinary action results in license or specialty certificate suspension or revocation, the name of the RPF or certified specialist and the specifics of the case will be made public. A summary of the case will be noticed in the “Daily Recorder”, “Licensing News”, the meeting minutes of the Board, and announced in open session of the Board meeting at which the discipline was approved. These notices will include the following:

(A) Case number.

(B) ~~Name~~RPF name and license number of RPF or certified specialist.

(C) City of business at the time of notice.

(D) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.

(E) Authority: citations of applicable statutory and regulatory sections.

(F) Action: announcement of the disciplinary action taken and a specific summary of the facts of the case.

(4) The information summarized in “Licensing News” under (b)(1), (b)(2), and (b)(3) above shall be available upon request to the public.

(c) The Board may provide notice to the news media of disciplinary actions. The Board shall comply with the following standards when providing notice to the media.

(1) Media releases shall occur in all instances when disciplinary action results in the following:

(A) Suspension or revocation based on any of the following cause(s):

(i) conviction of a felony as defined in Section 778(a) and governed by Section 778.5 of the Public Resources Code.

(ii) fraud.

(iii) deceit.

(iv) gross negligence.

(v) incompetence.

(B) The PFEC has recommended revocation or a suspension greater than 30 days for any cause under 14 CCR §1612.1.

(2) The media release shall be approved by the by the Board, and shall contain all information cited in subsection (b)(3).

(3) The media release shall be submitted to a newspaper of general circulation in the county(ies) where the infraction(s) occurred.

1613. Felony Substantial Relationship Criteria.

For the purposes of denial, suspension or revocation of a license pursuant to Division1, Chapter 2.5, Article 3, Sections 774, 775, and 778 of the Public Resources Code (PRC), a felony shall be considered to be substantially related to the qualifications, functions, or duties of a registered professional forester (RPF) or certified specialist, if, to a substantial degree, it evidences present or potential unfitness to perform the functions authorized by Article 3 of the Public Resources Code.

Such felonies may include, but not be limited to; felony convictions which demonstrate dishonesty or breach of fiduciary responsibility or which involve any of the following:

- (a) violations of PRC 778, or felony sections of the Business and Professions Code, Health and Safety Code, and Public Contracts Code;
- (b) damage to natural resources including, but not limited to, arson;
- (c) violations related to:
 - (1) Division 1, Chapter 2.5, Article 3 of the Public Resources Code or
 - (2) Division 4, Part 2, Public Resources Code, or
 - (3) Division 1.5, Title 14, California Code of Regulations.

1614. Criteria for Rehabilitation.

When considering the specified conditions of denial or reinstatement from suspension or revocation of a license or specialty certificate, the board, in evaluating the rehabilitation of the applicant and present eligibility for a license or specialty certificate will consider the following criteria:

- (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial or reinstatement.
- (b) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration for grounds for denial or reinstatement which also could be considered as grounds for denial or reinstatement.
- (c) The time that had lapsed since the commission of the act(s) or crime(s).
- (d) The extent to which the applicant, ~~or~~ licensee, or certified specialist has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (e) Evidence, if any, of rehabilitation submitted by the applicant.

Article 2. Applications.

1620. Applications.

(a) Applications for registration as a professional forester or as a certified ~~forestry~~ specialist shall be:

(1) Filed on a form prescribed by the Board

(2) Filed at the Sacramento office of the Board, and accompanied by the required application fee.

(3) Subscribed and certified to “under penalty of perjury” as provided by Section 2015.5, Code of Civil Procedure.

(4) Typewritten, except that applicants located without access to typewriters, may so state, and submit applications printed legibly by hand.

1620.1. Professional and Personal References.

An applicant shall include in the application for registration the names and addresses of two qualified foresters as references, who are familiar with the professional work and three responsible members of the community who are not foresters who can attest to the character and business integrity of the applicant. Such references may be consulted by the examining committee regarding the qualifications of the applicant.

1620.2. Application Processing.

(a) The applicant shall be informed in writing by the Executive Officer, within 90 days of receipt of the application, whether such application is complete and accepted for filing or is deficient and what specific information is required. The Examining Committee may, at a later time,

request clarification of information contained in the application or supporting documents as provided in 1620.3.

(b) The applicant shall be informed, in writing, of the Board decision on registration within 360 days of filing. Postponement of the examination by the applicants shall extend this deadline in the same amount of time as the postponement.

(c) The actual minimum, median and maximum processing times for an application from the time of receipt of the application until the board makes a final decision on the application are:

- (1) Minimum: 118 days
- (2) Median: 152 days
- (3) Maximum: 360 days

1620.3 Evidence of Qualifying Experience.

(a) The application, and any supporting documentation, shall present evidence of qualifying experience in forestry work, and any educational degree(s) substituted therefor:

(b) The qualifying experience for registration shall be computed to the final application filing date for each examination.

(c) Applicants claiming credit under educational provisions shall document such claims with an official transcript of record or comparable document or certified copy thereof, issued by the educational institution awarding the degree. Such records or transcripts shall be sent by the institution directly to the Board.

1621. Evaluation of Qualification to Take the Examination.

In complying with Sections 768 and 769(b) of the Code, the standards set forth in Sections 1621.1, 1621.2, 1621.3, 1621.4, 1622, and 1622.2 of this article are used to evaluate qualifications for authorization to take the exam.

1621.1. Qualifying Forestry Work Experiences.

(a) “Forestry work,” within the meaning of Section 769 of the Code, includes those activities which demonstrate professional competence in the science, art, and practice of managing and using for human benefit while protecting the public interest, the natural resources that occur on and in association with, forest land.

(b) Forestry experience qualifying to take the exam shall demonstrate an increasing level of responsibility and complexity over the required time, and is more particularly classified as:

(1) Forest management, which includes that branch of forestry concerned with overall administration in forest economics, legal and social aspects; forest mensuration, forest regulation, and the development of access for protection and management of the resource.

(2) Silviculture, which includes the science and practice of controlling the composition, constitution, and growth of forests, including also stand improvement, forest nursery production, the techniques of seeding and planting, and reforestation.

(3) Forest protection, which includes the prevention and control of damage to forests, inclusive of control of forest pests; the prevention and control of wildfire; the protection of soils from erosion, and the reduction and repair of damage resulting from all of these and those related to climatic agent. Up to two years of the activities in this subsection qualify except when Section 1622(c) are met.

(4) Forest utilization which includes scaling, and logging involving felling, bucking, choker setting, and skidding/yarding. Up to two years of the activities in this subsection qualify except when Section 1622 of this article applies: additional time can qualify when conditions in 1622(c) are met.

(5) Forest and watershed management planning, initiated and carried out in:

(A) forest working plans,

- 1 (B) forest practice standards,
2 (C) management contracts,
3 (D) litigation reports and testimony,
4 (E) trespass,
5 (F) the development, maintenance and protection of wildlife habitat and forest range
6 resources,
7 (G) forest recreation and environmental studies, and
8 (H) reconnaissance and mapping in conservation of forest and watershed lands and the
9 yield thereof, including the investigation of wildlands soils.
10 (6) Other forest activities, including timber appraisals, forestry research, urban forestry, and
11 teaching college or university courses in forestry.

12
13 **1621.2. Non-Qualifying Forestry-Related Work Experience.**

14 Some forestry-related activities are not considered “forestry work” experience within the meaning
15 of Section 769 of the Code: landscape gardening; horticulture; arboriculture; tree surgery; loading
16 and hauling of logs or other forest products, operations of wood manufacturing or
17 remanufacturing plants; fire lookouts, dispatchers, and fire equipment operators; and agricultural
18 pursuits not related to tree growing.

19
20 **1621.3. Work Experience Obtained While In a Degree Program.**

21 The following criteria applies to substitutions for forestry work experience toward the seven year
22 requirement. No combination of education and work experience may be counted as more than
23 twelve (12) months for any consecutive twelve month period. Thus, periods worked while in a
24 substituted educational degree program do not qualify because this time is already included in
25 the degree. Work periods that exceed the amount of degree time substituted do qualify.

1621.4. Substitution of Education for Experience.

(a) For the purpose of this article and in accordance with Section 769(b) of the Code, a course of study shall be deemed a major in forestry only (1) if the awarding institution specifically designated the course of study as a major in forestry or a direct derivative thereof such as a major in forest management or a major in forest science, and (2) if it provides the significant concepts in a working knowledge of forest biology, forestry in the social context, forest resources inventory, forest ecosystem management, and forest resources administration. The forest courses presenting such concepts and working knowledge shall be at a level qualifying for transfer credit in a program leading to the Bachelor of Science degree with a major in forestry at either the University of California, Berkeley, California Polytechnic State University at San Luis Obispo, or at Humboldt State University.

In accordance with these standards, a “major in forestry” for the purposes of this act are majors in forestry offered in California, at the University of California, Berkeley, California Polytechnic State University at San Luis Obispo, and Humboldt State University and the programs in forestry offered in other states, which meet the above standards including such programs offered at universities accredited at the time of applicant graduation by the Society of American Foresters (SAF) as of their most current list. The list(s) may be obtained from Professional Foresters Registration, or SAF, 5400 Grosvenor Lane, Bethesda, Maryland, 20814-2198.

(b) The following degrees are deemed the equivalent of four years of forestry experience:

(1) A Bachelor of Science degree with a Major in Forestry, or possession of a Bachelor of Science in Forestry degree from any college or university in the United States or Canada.

(2) A degree in forestry, however designated, from a foreign college or university based on completion of a program of at least four years of university level work with a major in forestry, subject to review and favorable recommendation of the Examining Committee.

1 **(3) A Master of Forestry degree awarded an applicant who holds either a Bachelor of Science**
2 **degree or a Bachelor of Arts degree with a major in a field other than forestry may submit such**
3 **evidence as a comparable degree to the Bachelor of Science in Forestry degree.**

4 **(c) The Committee shall evaluate and determine, on a case-by-case basis, which other college**
5 **or university degrees may be substituted as qualifying forestry work experience. In no case can**
6 **any of the following be combined for more than four years substitution.**

7 **(1) A Bachelor of Science degree in a forestry-related field is not equivalent to a Bachelor of**
8 **Science degree with a major in forestry. No more than two (2) years shall be substituted for such**
9 **forestry-related fields including, but not limited to , wood science and technology, wildlife**
10 **management, range management, soil science or conservation of natural resources.**

11 **(2) A Master of Science or Doctor of Philosophy degree in forestry or forestry-related fields**
12 **can be substituted only when subsection 1621.4(b) of this article does not apply. No more than**
13 **one (1) year for each of these degrees shall be substituted. A Master of Forestry degree is**
14 **substituted for only one (1) year unless subsection 1621.4 (b)(3) of this article applies.**

15 **(3) An Associate of Science or Associate of Arts with a “major in forestry” from one of the**
16 **two- year colleges recognized at the time of applicant graduation by the Society of American**
17 **Foresters can be substituted for two (2) years experience. The lists(s) may be obtained from**
18 **Professional Foresters Registration, or SAF, 5400 Grosvenor Lane, Bethesda, Maryland, 20814-**
19 **2198.**

20
21 **1622. Three Years of “Having Charge of Forestry Work,” or “Under the Supervision of a Person**
22 **Registered.”**

23 **(a) The minimum of three (3) years “having charge of forestry work,” or “forestry work under**
24 **the supervision of a person registered, or qualified for, but exempt from registration” as specified**
25 **in Sections 757 and 769(b) of the Code is evaluated using the criteria in subsection (b), below.**

1 **(b) “Supervision” shall be deemed adequate to meet the three year requirement if it includes**
2 **the following elements:**

3 **(1) Supervisor is able to hire and fire or effectively recommend same, or is able to clearly**
4 **withdraw professional responsibility for forestry related matters.**

5 **(2) Supervisor must perform regular and timely quality control, work review and inspection,**
6 **both in the office and in the field, and be able to take, or effectively recommend, corrective actions**
7 **where necessary. The frequency of review, inspection and guidance shall take into consideration**
8 **the experience of the non-RPF and technical complexity of the job, but shall be sufficiently**
9 **frequent to ensure the accomplishment of work to professional standards.**

10 **(c) The following limitations apply to the requirement of three years “having charge of**
11 **forestry work,” or “under the supervision of a person registered.”**

12 **(1) Forestry work stated in subsection 1621.1(b)(3) and 1621.1(b)(4) of this article must be**
13 **performed at planning and supervision levels; scaling does not qualify unless it is part of an**
14 **apprentice trainee program under the direct supervision of an RPF.**

15 **(2) Only the Master of Forestry degree, in conjunction with a qualifying Bachelor of Science**
16 **degree with a major in forestry, may be substituted for one of the three years required as provided**
17 **in Section 769 of the Code.**

18
19 **1622.2. Contracting Forestry Work Experience.**

20 **Forestry experience obtained while working as a contractor may be claimed as having charge of**
21 **forestry work, or forestry work under the supervision of a person registered, or qualified but**
22 **exempt from, registration provided:**

23 **(a) The applicant submits a copy of the contract and any documentation necessary to verify**
24 **the appropriateness of experience.**

1 (b) The contract required the work of the contractor to be supervised as stated in Section
2 1622(b) of this article.

3 (c) The contract or documentation specifies the various items of supervision including, but
4 not limited to: training; frequency of contact both for professional and contract compliance
5 purposes; office and field review; and how corrective actions can be taken.

6 (d) The contract or documentation has the names, current addresses, and phone numbers of
7 each qualified forester who directly carries out this supervision. If the supervisor is Registered,
8 the license number must be included.

9 **1626. Denial of Application.**

10 If, in the judgement of the committee, based upon the evidence submitted, the applicant lacks the
11 required qualifications, the committee shall deny the application without prejudice. The applicant
12 shall be notified in writing of the reasons for denial and of the right to appeal such denial as
13 provided in Section 1647 of this article.

14
15 **1628. Abandoned Applications.**

16 In the absence of special circumstances, the Board shall consider an application abandoned
17 when:

18 (a) The applicant fails to submit a registration fee or specialty fee within sixty (60) days of the
19 date of the letter of acceptance for registration or certification.

20 (b) The applicant fails to appear for a scheduled examination at the time set without obtaining
21 an approved postponement.

22 (c) The applicant, after two postponements, fails to appear for the examination at the
23 appointed time.

24
25 **Article 2.5. Applications for Registration Without Examination.**

1 **[No sections]**

2

3 **Article 3. Examinations**

4

5 **1640. Notification of Authorization to Take Examination.**

6 **Not less than thirty (30) days prior to the examination, each applicant qualified to take the exam**

7 **shall be notified in writing of the date, time, and place of the examination.**

8

9 **1640.1. Study Exams.**

10 **Copies of examination questions for the three (3) year period may be obtained upon payment of a**

11 **fee covering direct cost of duplication as determined by the executive officer.**

12

13 **1640.2. Scheduling Examinations.**

14 **An application received less than sixty (60) days prior to an announced examination date may be**

15 **scheduled for the next examination.**

16

17 **1640.3. Examinations Prescribed.**

18 **The examination shall test the applicant's understanding of the significant concept in and working**

19 **knowledge of:**

- 20 **(1) Forest Economics,**
- 21 **(2) Forest Protection,**
- 22 **(3) Silviculture,**
- 23 **(4) Forest Resources Management,**
- 24 **(5) Forest Resources Use,**
- 25 **(6) Dendrology,**

- 1 (7) Forest Ecology,
2 (8) Forest Mensuration,
3 (9) Forest Policy, and
4 (10) Forest Administration, as these apply to the management of forest lands to produce goods
5 and services, and in terms of the environmental effects of such activities.

6 The committee shall prepare and administer an examination on the foregoing principles whenever
7 the committee deems it necessary, but not less than twice per year. The special examination
8 which may be administered on the basis of reciprocity to a person licensed in another state may
9 be limited in scope to those subjects which in the opinion of the committee are unique to the
10 practice of forestry in California .

11
12 **1641. Examination Facilities.**

13 The Executive Officer shall make all of the necessary arrangements to provide adequate facilities
14 and assistants to conduct examinations in such locations as may be required to accommodate
15 the number of applicants to be examined.

16
17 **1642. Examination Irregularities.**

18 Examinees are forbidden to receive unauthorized assistance during the examination.

19 Communication between examinees or the use of unauthorized material or matter or devices
20 during the examination is strictly prohibited. An applicant engaging in such conduct during the
21 examination shall be notified that the examination shall not be graded, and shall be denied the
22 opportunity to take the following two examinations.

23
24 **1643. Successful Completion of Examination.**
25

1 Following successful completion of the prescribed examination, the committee shall recommend
2 to the Board approval for registration or certification of each qualified applicant.

3
4 **1644. Denial of Application for Failure to Pass Examination.**

5 If an applicant fails to obtain a passing grade in the prescribed examination, the committee shall
6 deny the application without prejudice. The applicant shall be notified in writing of the right to
7 appeal the examination following the procedures provided in Section 1647 of this article.

8
9 **1645. Inspection of Examination Papers.**

10 An applicant who fails to receive a passing grade in the written examination may, within thirty (30)
11 days of the examination results notice, request in writing:

- 12 (a) A copy of the examination questions, and/or
13 (b) Obtain a copy of his/her own answers which will be mailed after receipt of
14 payment of a fee covering the direct cost of duplication as determined by the executive officer.
15 (c) The applicant shall not be provided any answers of others, or the exam key. The Executive
16 Officer shall not discuss any specific answers with the applicant because Expert Examiners
17 mutually determine the answer scores.

18
19 **1647. Appeal Procedure.**

20 Within thirty (30) days of mailing or personal service notice, any real party of interest may appeal
21 the actions of the Committee or Executive Officer to the Board for a review in accordance with
22 Section 765 of the Code. The appeal for review shall be made in writing, stating the reason
23 therefore and citing the items against which the appeal is made. The Board's Executive Officer
24 shall conduct a review thereon, and provide to the applicant the reasons for the decision along
25 with a Notice of Defense form as required by Government Code 11506. The person may, by

1 completing and returning the form, contest the results of the Board's executive officer review at a
2 hearing with an Administrative Law Judge to assist the Board in its final determination in
3 accordance with Chapter 5 of Part 1, Division 3, Title 2 of the Government Code, commencing with
4 Section 11500.

5
6 **Article 4. Miscellaneous.**

7 **1650. Specialties.**

8 (a) As an alternative to being registered as a RPF, any person qualified pursuant to this Article is
9 eligible for certification in a specialty. Both RPFs and non-RPFs are eligible for certification in a
10 specialty. Only a person registered as a Certified Specialist may use the title of that specialty. ~~A~~
11 certificate in each specialty created will be issued by the Board pursuant to ~~the standards~~
12 ~~contained in~~ Section 772 of the Code. Specialties will be created by regulation as the need arises.

13
14 (b) ~~The~~ To protect the public interest, the following certified specialties shall be implemented and
15 overseen by the Executive Officer, with the assistance of the ~~PFEC~~ Examining Committee:

16 (1) Certified Rangeland Management Specialty

17
18 (c) For independent certification programs submitted to the Board by a professional society or
19 public agency pursuant to Section 772 of the Code, to protect the public interest the following
20 process and requirements shall apply:

21 (1) When a professional society or public agency establishes an internal certification panel
22 for any or all of the following purposes: reviewing an applicant's qualifications;¹⁷ administering an
23 examination to evaluate an applicant's professional understanding;¹⁷ awarding certifications;¹⁷
24 reviewing or advising the PFEC regarding allegations of misconduct;¹⁷ ~~and administering~~
25 ~~discipline~~; the panel members shall have first been certified by the Board as meeting the

1 professional qualifications and standards for that ~~C~~certified ~~S~~specialty before undertaking their
2 responsibilities pursuant to this ~~S~~section. The certification of the panel members may be done by
3 a subcommittee of the PFEC appointed by the Board and composed of resource professionals in
4 good standing representing a broad cross section of employment and expertise in that specialty.
5 All subsequent panel members shall also be certified in this manner.

6 (2) The PFEC shall be notified by the ~~professional~~~~appropriate~~ society or public agency of
7 any Certified Specialist who is guilty of violations of professional standards and is issued
8 discipline pursuant to the respective certification program, if applicable. Subsequent to being
9 granted the specialty certificate by the Board, the The Certified Specialist shall be subject to
10 disciplinary actions by the Board ~~as defined in this chapter for violation of those standards, or for~~
11 ~~violation of those standards promulgated by the Board~~ pursuant to Sections 775 - 778 of the
12 Code, and any regulations promulgated thereunder. For disciplinary action pursuant to
13 subsection (c) of Section 778 of the Code, the professional society or public agency establishing
14 the independent certification program shall provide such information to the PFEC as reasonably
15 requested. The professional society or public agency shall inform the PFEC of all complaints of
16 violations or other misconduct relating to any Certified Specialist.

17 (3) The PFEC shall be notified of any proposed actions to be taken by a professional
18 society or public agency which may affect the specialty certification program of the society or
19 public agency, including but not limited to modification of the requirements for certification or
20 professional accountability. Any modifications to a specialty certification program must be
21 approved by the PFEC prior to implementation. ~~or the program may be rejected by the Board.~~
22 ~~The m~~Modifications ~~that shall not~~ significantly alter the qualifications and accountability within the
23 recognized certification program must be approved by the Board.~~original certification.~~

24 (4) Prior to March 1 of each calendar year, those ~~P~~professional ~~S~~societies and public
25 agencies with approved independent certification programs shall submit to the executive officer

1 of the PFEC a report which describes the previous calendar year accomplishments of the
2 certification program, including but not limited to the number of applicants for certification, the
3 approvals, denials, copies of examinations, and a summary of disciplinary actions, to insure the
4 program fully protects the public interest. Failure to submit the report may result ~~in a full review~~
5 ~~which may result~~ in the rejection of the ~~C~~certification program by the Board.

6
7 (d) All Certified Specialists are subject to annual registration and fees for renewal of ~~S~~specialty
8 ~~C~~certificates pursuant to 14 CCR, Sections 1605 and 1607. Additional fees may be required by the
9 professional society or public agency responsible for the independent certification program.

10
11 (e) The professional society or public agency shall submit for Board recognition its independent
12 certification program, and any other information reasonably requested by the Board, as full
13 qualification without examination for the Board's certificate of specialization. Upon determination
14 by the Board that the program fully protects the public interest in the area of practice
15 encompassed by the program, the certification as a specialist shall be granted, provided the
16 specialist has met the requirements under the program. Upon recognition by the Board of an
17 independent certification program, the terms of the program shall be made publicly available by
18 the professional society or public agency and posted on the Board's website.

19 (f) The Board may, from time to time, review an independent certification program which it has
20 recognized pursuant to PRC § 772 to ensure the program fully protects the public interest. The
21 Board may rescind its recognition of the independent certification program if it determines that
22 the program fails to comply with the requirements of this Chapter. The Board shall rescind its
23 recognition of the independent certification program if it determines that the program does not
24 fully protect the public interest.

1651. Certified Rangeland Management Specialty

(a) A "Certified Rangeland Manager (CRM)" is a person who provides services pursuant to 14 California Code of Regulations (CCR) 1602, at the request of the landowner or hiring agent, relating to the application of scientific principles to the art and science of managing rangelands and range on forested landscapes, as defined in California Public Resources Code § 754. A ~~CRM Certified Rangeland Manager~~ shall perform professional services only in those subjects in which he or she is competent by training and experience.

(b) When a CRM is providing range management services related to the production of forage and livestock on forested landscapes, an RPF shall be consulted if there are potential impacts on related forest resources.

(c) Qualifications as a ~~CRM Certified Rangeland Manager~~ may be achieved by submitting to the Board evidence of certification by the professional society or public agency recognized under Public Resources Code § 772 ~~California Section of the Society for Range Management (CA-SRM)~~ as a Certified Rangeland Manager, subject to 14 CCR § 1650. The Board shall grant a specialty certificate upon (i) receiving satisfactory evidence that the applicant has met the CRM qualifications, has successfully completed the written examination, has paid all fees due to the professional society or public agency, if any, and upon (ii) payment of all applicable fees to the Board pursuant to 14 CCR §§ 1605 and 1607. pursuant to its "Program for Certification of Professional Rangeland Managers" (PCPRM) dated June 5, 1992 and amended on November 4, 1993.

(d) The independent certification program submitted by CalPac-SRM pursuant to its "Program for Certification of Professional Rangeland Managers" (PCPRM) dated June 5, 1992, and amended on

November 4, 1993, as recognized by the Board, shall remain in effect until amended or until
recognition is otherwise rescinded by the Board.

DRAFT